

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

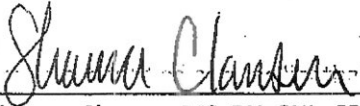
Other Than Full and Open Competition

1. **Contracting Activity:** This requirement is for the Department of Veterans Affairs, VISN23, Minneapolis VA Health Care System (MVAHCS), and is a "Justification for Other Than Full and Open Competition" based on Federal Acquisition Regulation (FAR) 6.302-2(b)(1), unusual and compelling urgency precluding full and open competition. The 2237 number is 618-12-3-6155-0637, and the Independent Government Contract Estimate is \$350,000.
2. **Nature and/or Description of the Action Being Processed:** This is a requirement for nursing home services which shall take the form of a Basic Ordering Agreement (BOA). This action will be for nursing home services, and is a new firm, fixed-price BOA with St. Olaf Nursing Home in Minneapolis, Minnesota valued at approximately \$350,000 for one (1) year based on FAR 6.302-2(d)(1)(ii) with an estimated award date of 1 June 2012.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The BOA is for nursing home services under the authority of 38 U.S.C. § 1720 and is being conducted as an "urgent" requirement, because all of the nursing homes that the MVAHCS presently has BOAs with will **not** take two (2) "difficult to place" veteran patients. Such patients were displaced from a facility for which the Government had quality of care concerns (among other things) and for which a new BOA was not issued.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302(b)(1).

(X) (2) Unusual and Compelling Urgency per FAR 6.302-2;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Under the authority of 6.302-2(b)(1), the requirement is unusual and compelling, because the veteran patients must have a new nursing home by June 1, 2012, since the BOA expires at their current facility on May 31, 2012 and because a lengthy search of nursing home Contractors with active BOAs in the Community Nursing Home (CNH) program (approximately 60 contractors) was conducted over the past few months to no avail.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** N/A
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost to the Government will be fair and reasonable (a total estimated figure of \$350,000), because prices are determined based on Medicare rates which rates

on their face are deemed fair and reasonable. A discount on the Medicare rates will also be sought during negotiations.

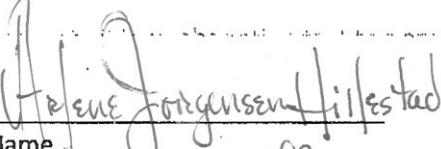
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted by the CNH program personnel at MVAHCS when they contacted all of the Contractors in the CNH program to ascertain whether any of them would take the two (2) difficult to place patients which had been displaced due to quality of care concerns (among other things) at the nursing home facility. None of the active Contractors would take the patients, so market research in the community was conducted by the CNH. St. Olaf was identified as a facility that places "difficult to place" patients. As such, this contract is being pursued.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section V above.
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** The MVAHCS conducts combined synopses/solicitations when it recruits nursing homes, so competition is regularly sought. It is an aberration that this emergency arose requiring a sole source BOA to St. Olaf. Approval is sought for only one (1) year.
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


Shawna Clausen, MS, RN, CNL, CRRN
Home and Community Care Director
MVAHCS

5/15/2012
Date

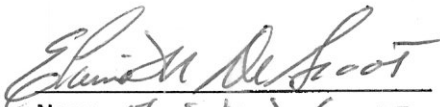
13. **Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief:


Name
Title Contracting Officer
Facility NCO 23, Minneapolis

5-16-2012
Date

- b. NCM/PCM (Required \$3K to \$500,000): I certify the justification meets requirements for other than full and open competition.


Name Elaine M. DeGroot
for Acting Network Contract Manager
NCO 23

5/16/2012
Date

Title
Facility